

REED SMITH LLP
A limited liability partnership formed in the State of Delaware

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Insurance Company, successor-in-interest to
Chase Insurance Life and Annuity Company,
formerly known as Federal Kemper Life
Assurance Company

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARY L. TUTTLE,

Plaintiff,

vs.

CHASE INSURANCE LIFE AND ANNUITY
COMPANY, FEDERAL KEMPER LIFE
ASSURANCE CO., SELECTQUOTE
INSURANCE SERVICES, and DOES 1-10,

Defendants.

Case No. C 07-03637 MEJ

**[PROPOSED] ORDER GRANTING
MOTION TO DISMISS FOR FAILURE TO
STATE A CLAIM UPON WHICH RELIEF
CAN BE GRANTED OR FOR MORE
DEFINITE STATEMENT [F.R.C.P.
12(B)(6), (E)]**

Date: August 30, 2007
Time: 10:00 a.m.
Place: Courtroom B, 15th Floor

Honorable Maria-Elena James

The Motion to Dismiss for Failure to State a Claim or For More Definite Statement of
defendant Protective Life Insurance Company, successor-in-interest to Chase Insurance Life and
Annuity Company, formerly known as Federal Kemper Life Assurance Company (“Protective
Life”), was heard before the Honorable Maria-Elena James on August 30, 2007. Protective Life
appeared by its counsel Reed Smith LLP. Plaintiff Mary L. Tuttle (“plaintiff”) appeared by her
counsel James F. Kemp.

1 Having heard and considered the arguments of counsel and having read and considered the
2 papers, pleadings and documents submitted in support of and in opposition to said motion,

3
4 IT IS HEREBY ORDERED THAT Protective Life's Motion to Dismiss is GRANTED as to
5 plaintiff's Fourth, Fifth and Sixth Causes of Action without leave to amend.

6
7 DATED: _____, 2007

8 MARIA-ELENA JAMES
9 UNITED STATES MAGISTRATE JUDGE

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